

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

WILLIAM T. MOCK; *et al.*,

Plaintiffs,

v.

MERRICK GARLAND, in his official
capacity as Attorney General of the United States;
et al.,

Defendants.

Civil Action No. 4:23-cv-00095-O

DECLARATION OF JAHDE CLARK

I, Jahde Clark, declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following statements are true and correct to the best of my knowledge:

1. I am over 18 years of age, competent to testify, and have personal knowledge of the matters stated herein.
2. I am the General Manager of Modern Warriors, LLC, which operates a firearms dealership and tactical sporting goods retailer based in St. George, Utah.
3. Modern Warriors specializes in tactical weapons and accessories, including suppressors, short-barreled rifles, and modern sporting rifles.
4. Over the past several years, Modern Warriors has had millions of dollars in sales of stabilizing braces and braced pistols. Modern Warriors has been the largest dealer of stabilizing braces and braced pistols manufactured by Maxim Industries, and one of the largest retailers of stabilizing braces manufactured by SB Tactical whose founder invented the original stabilizing brace.

5. Upon publication of the ATF's Final Rule establishing Factoring Criteria for Firearms With Attached "Stabilizing Braces," Modern Warriors stopped selling all braced pistols.

6. As a result of the Final Rule, Modern Warriors stopped placing orders for braced pistols and stabilizing braces. The company cancelled millions of dollars' worth of orders across all manufacturers in those product categories, including hundreds of thousands of dollars' worth of orders from Maxim Defense.

7. Since publication of the Final Rule, the market for braced pistols and stabilizing braces has essentially dried up, as has the market for heavy pistol in general. In 2022, Modern Warriors would sell several braced pistols on an average day; at this point, the dealership is selling just a few of the unbraced style of heavy pistols (that had customarily been braced) each month.

8. In 2022, Modern Warriors sold over \$3.46 million in heavy pistols that were braced or equipped for and sold with a brace. This figure has declined by more than 68.8% in 2023. In 2022, Modern Warriors had \$575,000 in sales of Maxim Defense braced pistols; to date in 2023, we have sold \$159,000 in Maxim Defense pistols (which we have sold only after removing the brace). In 2022, Modern Warriors sales of SB Tactical products totaled \$374,000; the company's 2023 sales total \$156,000—this number will not increase since Modern Warriors has stopped ordering products from SB Tactical and ceased selling stabilizing braces.

9. Even these figures don't tell the whole story. Modern Warriors has had to substantially alter its sales strategy this year to move these products. The company has offered discounts and incentives to encourage customers to purchase heavy pistols without braces, which has caused Modern Warriors' profit margin on these sales to decrease.

10. Customers have avoided braced pistols and stabilizing braces because of their uncertainty of exactly what is and what is not legal—they are concerned about the "unknown,"

and want to be sure that they do not get in trouble for owning these products. Many customers have expressed, however, that they would be willing to purchase the products if a court order prevented the ATF from enforcing the Final Rule. Given that, Modern Warriors would begin ordering braced pistols and braces from Maxim (and other manufacturers) if it were clear that our business was also covered by an injunction.

11. The uncertainty of the current rules and the fact that the majority of the public does not know how to interpret the laws has put a strain on law-abiding citizens. It also poses a difficult challenge to people working in the industry to sift through the mountain of ever-changing rules and give advice to our customers on compliance. Large numbers of law-abiding gun-owning citizens will not know that their previously legal “braced pistols” are now illegal. The threat of criminal liability puts them and their families at a huge risk with no recourse.

August 18, 2023.



Jahde Clark
General Manager
Modern Warriors, LLC